

REMARKS

Applicant would like to express appreciation to the Examiner for the detailed Official Action provided. Upon entry of the present amendment, claims 2 and 4-11 will have been amended and claims 1 and 12 will have been canceled. Claims 2, 4-11, 13 and 15 remain pending in the present application, with claim 15 standing allowed.

Applicant gratefully acknowledges the Examiner's indication of the allowance of claim 15. However, while Applicant further gratefully acknowledges the Examiner's indication that claim 13 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims, Applicant notes that in the previously-submitted Amendment of January 12, 2004, Applicant already amended claim 13 into independent form and to incorporate the limitations of base claim 1. Applicant thus requests clarification in this regard.

The Examiner has rejected claims 1-2, 4-5 and 12 under 35 U.S.C. § 103 (a) as being anticipated by KATO (U.S. Patent No. 5,898,824) in view of KONDO (U.S. Patent No. 5,930,003). As discussed above and solely in order to advance the prosecution of the present application as discussed above, Applicant has canceled claims 1 and 12, and has amended dependent claim 2 and 4-5 to depend from allowable independent claim 13, which should not be taken as an acquiescence by Applicant as to the appropriateness of the rejection. Further, Applicant expressly reserves the right to submit claims of a related scope in another

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application. Thus, the cancellation of the claims in the present application is without prejudice.

With respect to the Examiner's above rejection of dependent claims 6-8 and 9-11 under 35 U.S.C. § 103(a), since these claims have been amended to depend from independent claim 13 (which should not be taken as an acquiescence by Applicant as to the appropriateness of the rejection), this claim having been indicated as allowable by the Examiner, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 103, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF  
ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on March 26, 2004, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. For Example, claims 2 and 4-11 have been amended merely to change the dependency thereof.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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